

HAROLD G. BILLINGS

FEBRUARY 9, 1925.—Committed to the Committee of the Whole House and ordered to be printed

Mr. PATTERSON, from the Committee on Naval Affairs, submitted the following

REPORT

[To accompany H. R. 10631]

The Committee on Naval Affairs, to whom was referred the bill (H. R. 10631) for the relief of Harold G. Billings, having had the same under consideration, report favorably thereon with an amendment, and as amended recommend that the bill do pass.

In line 5, strike out the words "junior grade."

Harold G. Billings enlisted in the United States Navy December 19, 1919, and served therein until September 16, 1922, on which date he was placed upon the retired list.

Mr. Billings was promoted to the rank of lieutenant (temporary) during the World War and while in command of submarine chaser No. 130 on active duty in the war zone, his ears were permanently injured, due to the firing of the 3-inch guns and depth charges. After the war he was ordered to take the examination for permanent lieutenant, but was not given the privilege of taking the professional examination owing to his rejection by the medical board—cause, no upper teeth and defective hearing. He was then ordered to appear before a naval retiring board. This board found the same defects to exist and recommended that he be placed on the retired list as a lieutenant.

The recommendation of the naval retiring board was disapproved, and on January 1, 1922, he reverted to warrant boatswain and was then ordered to take the examination for chief warrant boatswain. He was found to be unfit for duty by a naval examining board, who recommended that he be placed on the retired list as a chief warrant officer.

The committee is of the opinion that the disability suffered by Mr. Billings was incurred in line of duty in time of war and as the result

of an incident of the service and that he is entitled to be retired in the grade of lieutenant.

The following letter from the Secretary of the Navy addressed to the chairman of the Committee on Naval Affairs of the House of Representatives sets forth the attitude of the Navy Department relative to legislation of this kind:

NAVY DEPARTMENT,
Washington, February 7, 1925.

The CHAIRMAN COMMITTEE ON NAVAL AFFAIRS,
House of Representatives.

MY DEAR MR. CHAIRMAN: Replying further to the committee's letter of January 22, 1925, inclosing a bill (H. R. 10631) for the relief of Harold G. Billings, and requesting the views and recommendations of this department thereon, I have the honor to inform you as follows:

The purpose of this bill is to authorize the President to appoint Mr. Billings as a lieutenant (junior grade), United States Navy, and to thereafter place him upon the retired list of the Navy with the retired pay and allowances of that grade.

The records in this case show that Mr. Billings, after having served as an enlisted man for a period of 15 years, was appointed a boatswain in the Navy to rank from December 16, 1915. Thereafter he was temporarily promoted to the ranks of ensign, lieutenant (junior grade), and lieutenant. His temporary appointment as a lieutenant terminated by operation of law on December 31, 1921. He was transferred to the retired list as a chief machinist on October 6, 1922, by reason of physical disability, which was the result of an incident of the service.

Section 9 of the naval omnibus bill (H. R. 4086) provides as follows:

"That any officer of the regular Navy who has been retired since December 31, 1921, by reason of physical disability which originated in the line of duty at any time between April 6, 1917, and March 3, 1921, inclusive, while holding higher temporary rank shall be advanced on the retired list to, or shall be placed on the retired list in, such higher grade or rank."

Should the above-quoted section of the department's omnibus bill (H. R. 4086) be enacted, Mr. Billings would be accorded an opportunity to present all facts in his case before a retiring board convened in accordance with said section 9.

In view of the above, and the further fact that this proposed legislation is individual in character and not for the general good of the naval service, the department recommends that the bill H. R. 10631 be not enacted.

Sincerely yours,

CURTIS D. WILBUR,
Secretary of the Navy.

The following communications between Mr. Billings and the Navy Department are hereby made a part of this report:

NAVY DEPARTMENT,
BUREAU OF NAVIGATION,
Washington, D. C., October 17, 1921.

From: Bureau of Navigation.

To: Lieut. Harold G. Billings, U. S. S. *Cardinal*, San Pedro, Calif.

Via: Commander Train.

Subject: Request for convening of medical board in the case of Lieut. Harold S. Billings, United States Navy.

Reference: (a) Your letter dated September 1, 1921.

1. You are advised that your case has been given careful consideration and the department has decided not to waive the physical defect.

JOHN STAPLER,
(By direction.)

Certified to be a true copy.

H. G. BILLINGS,
Boatswain, United States Navy.

NAVY DEPARTMENT,
Washington, October 31, 1921.

From: Secretary of the Navy.

To: Lieut. Harold G. Billings, U. S. S. *Cardinal*, San Pedro, Calif.

Via: Commanding officer.

Subject: Request for waiver of physical defect and for permission to take professional examination for permanent lieutenant.

Reference: (a) Your letter dated September 1, 1921; (b) reply of Bureau of Navigation, dated July 25, 1921.

1. After careful consideration of your request the department does not deem it advisable to waive the physical defect in your case.

2. Accordingly no action will be taken on your request to be granted a professional examination for permanent appointment to a commissioned rank.

EDWIN DENBY.

U. S. S. "*CARDINAL*," March 13, 1922.

Certified to be a true copy.

H. G. BILLINGS,
Boatswain, United States Navy, Commanding.

UNITED STATES PACIFIC FLEET, BASE FORCE,
U. S. S. "*CARDINAL*,"
San Pedro, Calif., October 27, 1922.

From: Lieut. (T.) H. G. Billings, United States Navy, (commanding U. S. S. *Cardinal*).

To: Secretary of the Navy.

Via: Commander Train, Bureau of Navigation.

Subject: Request to appear before naval retiring board.

Reference: BUNAV letter N322-FJS-GW 9441-49 of October 17, 1921.

1. In view of the information contained in the above mentioned reference, I respectfully request that I be ordered before a naval retiring board for examination to determine my eligibility for retirement from active service.

2. I am at present holding a temporary commission as lieutenant, having held that rank since September 21, 1918. My permanent rank is that of boatswain, to which rank I was appointed December 16, 1915.

3. In March, 1921, while on active duty as commanding officer of the U. S. S. *Ontario*, at sea, during a gale, I was thrown violently by the motion of the ship against a stanchion. The injuries that I sustained consisted of the loss of several teeth of the upper jaw. Upon my arrival at San Pedro I consulted the dental officer at the submarine base, who found it necessary to remove all the remaining teeth of the upper jaw, necessitating my having a set of false teeth made for my upper jaw.

4. The injury sustained is considered of such a serious nature that the medical examining board before which I appeared recently rejected me as unfit for promotion from my present status as a temporary commissioned officer to a permanent status as a commissioned officer.

5. It is believed that as the condition is of such a nature that both the Navy Department and the medical examining board consider it serious enough to prevent me from performing the duties of a commissioned officer, it is of a certainty serious enough to prevent me from performing efficiently the duties of a boatswain, and that it will only be a question of a short time before I will have to retire from active duty.

6. As I revert to my former rank, that of boatswain, on January 1, 1922, and as the provisions of the United States Statutes at present allow me to retire in my present grade of lieutenant for disability incurred in the line of duty during the war, it is submitted that an injustice due to peculiar conditions will be suffered by me which can be averted if my case is taken up for immediate consideration and that I am placed on the retired list prior to the time of my demotion.

7. I enlisted in the naval service December 19, 1899.

H. G. BILLINGS.

Certified to be a true copy.

H. G. BILLINGS,
Boatswain, United States Navy.

NAVY DEPARTMENT,
BUREAU OF NAVIGATION,
Washington, D. C., November 18, 1921.

From: Secretary of the Navy.

To: Lieut. Harold G. Billings, United States Navy, commanding U. S. S. *Cardinal*.

Via: Commander base force, United States Pacific Fleet.

Subject: Examination for retirement.

1. At such time as the president of the naval retiring board, Navy Yard, Mare Island, Calif., may designate, after the arrival of the necessary papers, you will proceed to Mare Island, Calif., and report to that officer for examination for retirement, in conformity with title 15, chapter 3, of the Revised Statutes.

2. This is in addition to your present duties, and upon the completion thereof you will return to your station.

3. In the event that you are placed on the retired list of officers of the United States Navy as the result of the above-mentioned examination, you will continue on your present duties, subject to your consent, until detached by the department.

4. By direction of the President.

THOS. WASHINGTON, *Acting*.

Copy to: Commander Train, United States Pacific Fleet.

Certified to be a true copy.

H. G. BILLINGS,
Boatswain, United States Navy.

FINDING OF THE NAVAL RETIRING BOARD CONVENED DECEMBER 19, 1921, IN
THE CASE OF LIEUT. HAROLD G. BILLINGS, UNITED STATES NAVY

The board, having deliberated on the evidence before it, decided that Lieut. Harold G. Billings, United States Navy (boatswain, United States Navy), is incapacitated for service by reason of defective teeth (all upper and first and third lower molars missing) and mild otitis externa, both ears (hearing 10/15 each ear), and that his incapacity is permanent and was incurred in the line of duty in time of war as the result of an incident to service subsequent to his appointment as a temporary lieutenant in the Navy; and, furthermore, that his incapacity is 20 per cent for the naval service and 10 per cent for civil life.

Certified to be a true copy.

H. G. BILLINGS,
Boatswain, United States Navy.

NAVY DEPARTMENT,
BUREAU OF NAVIGATION,
Washington, D. C., January 6, 1922.

From: Chief of the Bureau of Navigation.

To: Lieut. Harold G. Billings, United States Navy, commanding U. S. S. *Cardinal*.

Via: Commander Train, United States Pacific Fleet.

Subject: Record of proceedings of the retiring board.

1. You are advised that the naval retiring board before which you recently appeared found you incapacitated for service by reason of defective teeth; that your incapacity is permanent and was incurred in the line of duty in time of war as the result of an incident of the service subsequent to your appointment as a temporary lieutenant in the Navy, and that your incapacity for the naval service is 20 per cent and 10 per cent for civil life.

2. The President of the United States, under date of September 30, 1921, approved the proceedings and the findings of the naval retiring board in your case, but owing to the slight incapacity directed that you be not placed on the retired list.

3. Please acknowledge receipt.

THOS. WASHINGTON.

Certified to be a true copy.

H. G. BILLINGS,
Boatswain, United States Navy.

UNITED STATES PACIFIC FLEET, BASE FORCE,
U. S. S. "CARDINAL,"
San Pedro, Calif., February 4, 1922.

From: Boatswain Harold G. Billings, United States Navy.

To: Secretary of the Navy.

Via: Commander base force, United States Pacific Fleet.

Subject: Request to be examined for retirement.

Reference: (a) Chief of Bureau of Navigation letter No. N322-FJS-GW 9441-50 of January 6, 1922. (b) Findings of naval retiring board.

1. It is requested that I be ordered to appear before a naval retiring board for physical examination for retirement.

2. The retiring board before which I recently appeared for examination for retirement found me incapacitated for service, that the incapacity is permanent and incurred in the line of duty subsequent to my appointment as a temporary lieutenant in the Navy. The President, under date of December 30, 1921, approved the proceedings and findings of the retiring board but directed that I not be placed on the retired list in view of the fact that the retiring board found my incapacity 20 per cent for naval service and 10 per cent for civil life.

3. The attention of the department is respectfully invited to the following circumstances in connection with my case:

(a) That I was disqualified physically by the examining board before which I appeared for promotion from temporary rank to permanent rank in the Navy. This prevented me from taking examinations for a commission in the regular Navy.

(b) That had I been retired prior to January 1, 1922, I would have been retired as a lieutenant.

(c) That I reverted to my permanent rank of boatswain on January 1, 1922, and am now serving as such in command of the U. S. S. *Cardinal*.

(d) That my pay as a lieutenant was \$3,696 and that my pay as a boatswain is \$2,250, which difference of \$1,446, of course, represents \$1,446 loss.

4. In view of the above it is requested that I be ordered before a naval retiring board for examination for retirement, or that the proceedings and findings of the recent retiring board in my case be reviewed and that I be placed on the retired list as a lieutenant, and if the department so desires I be placed on active duty, or that the department waive the physical disqualification of the examining board and permit me to take the examination for a commission in the regular Navy.

H. G. BILLINGS.

Certified to be a true copy.

H. G. BILLINGS,
Boatswain, United States Navy.

FEBRUARY 10, 1922.

From: Bureau of Navigation.

To: Boatswain Harold G. Billings, United States Navy, U. S. S. *Cardinal*.

Via: Commander base force, United States Pacific Fleet.

Subject: Examination for promotion to the rank of chief boatswain.

Inclosure: N. Nav. 314.

1. After the receipt of the necessary records and papers, and when directed by your commanding officer, you will report to the president of a board of medical examiners for physical examination preliminary to promotion, in accordance with section 1493 of the Revised Statutes. It is directed that this examination be held not later than 15 days after the receipt of the above papers, if practicable.

2. Upon the completion of this examination, if found physically qualified, or when directed by the department, you will report to your commanding officer for a supervisory professional examination in accordance with section 1496 of the Revised Statutes.

3. This is in addition to your present duties.

4. In the event that you are found by the naval examining board not qualified for promotion as a result of this supervisory examination, you will be ordered to appear in person before a statutory examining board for another examination. Should you then be found qualified by the statutory board, you will suffer no loss of numbers or precedence as a result of the delayed completion of your examination.

THOS. WASHINGTON.

Copy to Commander base force, United States Pacific Fleet, commanding officer U. S. S. *Cardinal*.

Certified to be a true copy.

H. G. BILLINGS.

[First indorsement]

UNITED STATES PACIFIC FLEET, BASE FORCE,
U. S. S. "CONNECTICUT," FLAGSHIP,
San Pedro, Calif., February 20, 1922.

From: Commander base force, United States Pacific Fleet.

To: Boatswain Harold G. Billings, United States Navy, commanding U. S. S. *Cardinal*.

Subject: Examination for promotion to the rank of chief boatswain.

Inclosure: N. Nav. 314.

1. Forwarded.

J. V. CHASE.

[Second indorsement]

U. S. S. "CONNECTICUT,"
San Pedro, Calif., March 13, 1922.

From: President board of medical examiners.

To: Boatswain Harold G. Billings, United States Navy.

1. Reported. Examined and found not physically qualified for promotion.

J. V. HOWARD.

Certified to be a true copy.

H. G. BILLINGS,
Boatswain, United States Navy.

NAVY DEPARTMENT,
BUREAU OF NAVIGATION,
Washington, D. C., March 20, 1922.

From: Bureau of Navigation.

To: Boatswain Harold G. Billings, United States Navy, United States Pacific Fleet, base force, U. S. S. *Cardinal*, San Pedro, Calif.

Via: Commander base force, United States Pacific Fleet.

Subject: Request for examination for retirement.

Reference: (a) Your letter dated February 4, 1922.

1. Receipt is acknowledged of the reference, and in reply you are advised that no action will be taken upon your request for examination for retirement until the report of the naval examining board with reference to your examination for promotion to chief boatswain shall have been received.

2. If you are found not physically qualified for promotion to chief boatswain you will be ordered before a naval retiring board.

JOHN STAPLER
(By direction).

UNITED STATES PACIFIC FLEET BASE FORCE,
U. S. S. "CONNECTICUT," FLAGSHIP,
San Pedro, Calif., March 27, 1922.

From: Commanding base force, United States Pacific Fleet.

To: Boatswain Harold G. Billings, United States Navy, commanding *Cardinal*.

1. Forwarded.

ROBT. T. YOUNG
(By direction.)

Certified to be a true copy.

H. G. BILLINGS,
Boatswain, United States Navy.

MEDICAL HISTORY OF LIEUT. H. G. BILLINGS, UNITED STATES NAVY

Health record not available and patient states no entry was made in health record of this disability because he was in command of a seagoing tug and no medical officer was available at the time of the accident. According to patient's accepted statement, he was injured during a storm off the coast of Mexico (at

sea) on duty on the bridge at the time. A bridge of two teeth with three additional teeth of the upper jaw knocked out. Shortly thereafter he consulted the dental officer, submarine base, San Pedro, Calif., who extracted the remaining upper teeth, and who recommended upper plate be substituted, which was accomplished. This officer was recently found not physically qualified for transfer to appointment in permanent grade as lieutenant, due to above disability, and in consequence thereof this medical survey is held.

Present condition: Fit for duty.

Probable future duration: Permanent.

RECOMMENDATION

In view of the fact that this officer was found physically disqualified without submitting a waiver by a board of medical examiners, and his physical disability is not considered sufficient for retirement by this board, it is recommended that he be authorized to reappear for examination for promotion, so as to enable a board of medical examiners to submit a waiver for said disqualification in accordance with A1Nav Forty of 15 May, 1921. Medical survey forwarded to CinC, Pacific Fleet, this date.

F. G. ABEKEN,
Commander (M. C.), United States Navy.
President Board of Medical Examiners.

NAVY DEPARTMENT,
BUREAU OF NAVIGATION,
Washington, D. C., October 9, 1922.

From: Chief of Bureau of Navigation.

To: Chief Boatswain Harold G. Billings, United States Navy, U. S. S. *Cardinal*.

Via: Commanding officer.

Subject: Record of proceedings of the retiring board.

1. You are advised that the naval retiring board (majority findings) before which you recently appeared found you to be incapacitated for active service by reason of loss of all upper teeth and the loss of four lower molars; that you have defective hearing of both ears (4/15 in each ear); that your incapacities are permanent and are the result of incidents of the service.

2. The President of the United States, under date of October 6, 1922, approved the proceedings and majority findings of the naval retiring board in your case and directed that you be retired from active service and placed on the retired list with the rank to which your seniority entitles you to be promoted, in accordance with the provisions of section 1453 of the Revised Statutes.

3. Accordingly you have been transferred to the retired list of officers of the United States Navy from the 6th day of October, 1922, with the rank of chief boatswain in accordance with the above-named provisions of law.

4. A commission appointing you a chief boatswain on the retired list of the United States Navy will be forwarded to you in the near future.

5. Please acknowledge receipt.

THOS. WASHINGTON.

Copy to Comptroller General (Navy Department Division).

The majority and minority reports in the case of Boatswain Harold G. Billings, United States Navy, are as follows:

MAJORITY REPORT

In view of the fact that previous medical examining boards have found the candidate physically disqualified for the same physical defects that have been found to exist by the medical members of this retiring board, we deem the candidate to be physically disqualified for the performance of all his duties at sea and recommend him for retirement.

Signed by Captain Reeves, Commander Calhoun, and Lieutenant Commander Wolfard.

MINORITY REPORT

We adhere to the finding and facts as stated in our report to the president of the board, and do not recommend the candidate for retirement.

Signed by Doctors Odell and Manchester.

NAVY DEPARTMENT, BUREAU OF NAVIGATION,
Washington, D. C., October 12, 1922.

From: Bureau of Navigation.

To: Chief Boatswain Harold G. Billings, United States Navy, retired, commanding U. S. S. *Cardinal*.

Via: Commander base force United States Pacific Fleet.

Subject: Relieved all active duty; to home.

1. Upon the reporting of your relief you will regard yourself detached from duty in command of the U. S. S. *Cardinal* and from such other duty as may have been assigned you, will proceed to your home, and upon arrival regard yourself relieved of all active duty in the Navy.

2. Immediately upon your arrival home report your local address in full and the date of your arrival to the Bureau of Navigation. See article 135, Navy Regulations, 1920.

3. You are hereby authorized to delay at your own convenience in proceeding to your home. The Comptroller General has decided, however, that in order to collect the mileage involved the travel must be performed within one year from receipt of orders.

THOS. WASHINGTON.

WASHINGTON, D. C., May 1, 1922.

Boatswain H. G. BILLINGS, U. S. N.,
U. S. Pacific Fleet, Base Force,
U. S. S. *Cardinal*, San Pedro, Calif.

DEAR SIR: We are in receipt of your letter of the 24th ultimo with inclosures concerning the matter of obtaining retirement in the temporary grade of lieutenant held by you during the period of the war.

The last act passed relating to the matter of retirement of temporary officers was the act of July 12, 1921, which provided that officers of the Naval Reserve Force and temporary officers who were injured in line of duty and in time of war should be entitled to retirement in the temporary grade held by them, provided that application for such retirement was made before October 1, 1921.

The difficulty in your case seems to be that no such application was made within the period prescribed by law and as we judge from your correspondence, retirement even in your permanent grade has not as yet been authorized. We do not think it will be worth while to ask for retirement in your temporary grade until after your right of retirement has been approved by the proper authorities in your permanent grade.

If this could be done, then it might be possible to set up a claim for the right of retirement in your temporary grade by reason of the disability which was incurred and recognized prior to October 1, 1921. We therefore suggest that if you are retired in the permanent grade, communicate with us again with reference to the matter.

Yours respectfully,

KING & KING.

